

## **II. REMARKS**

### **Summary**

Claims 1-17 remain pending in the present application. The Applicants have carefully considered the references and the reasons for rejection advanced by the Examiner. Further review and examination of this application in view of the following remarks is herein respectfully requested.

### **Allowable Subject Matter**

The Applicants gratefully acknowledge indication by the Examiner of allowable subject matter in claims 5-13 and 17.

### **Rejections under 35 U.S.C. §102(b)**

Claims 1, 3, and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,380,995 issued to Kim (Kim). The Applicants respectfully assert that Kim does not teach or suggest each and every element of the claimed invention.

Specifically, Kim does not teach “an interval between at least one side of each of the openings and an edge of each of the pixels is smaller than a width of one concave or convex portion”.

The Examiner refers to Figures 2-5 and column 4 of the specification of Kim to assert that the opening 33 shown in Kim are shorter than one of the concave/convex portions of the insulating layer 24. However, although the Examiner is correct in this observation, this is not what is being claimed in the present invention.

Claims 1 and 14 of the present application specifically call for an interval between at least one side of each of the openings and an edge of each of the pixels is smaller than a width of one concave or convex portion. For example, as shown in Figures 1-3 of the present application, the distance from an edge 32a of one of the openings 32 is smaller than the width of one of the concave portions 31. This is best shown in Figure 3 of the present application. The claims of the present invention do not require that the size of the openings 32 be smaller than the concave areas 31. In fact, quite the opposite is true. As shown in Figures 2 and 3 of the present

application, the openings 32 span an area that encompasses several concave dimples 31.

Kim does not give any reference to the distance from an edge of one of the openings 33 to the edge of a respective pixel. Kim also does not give any reference to the relative size of the openings 33 with respect to the pixels. Therefore, the Applicants respectfully assert that Kim gives no teaching or suggestion of the distance from the edge of one of the openings 33 to the edge of the respective pixel associated with the opening 33.

At best, Kim is ambiguous regarding the precise distance between the edge of one of the openings and the edge of the respective pixel associated with that particular opening. As it is well settled that an anticipation rejection cannot be predicated on an ambiguous reference (In re Turlay, 304 F.2d 893, 899 134 USPQ 355, 360(CCPA 1962)), Applicants respectfully assert that the rejection of claims 1 and 14 have been traversed. Furthermore, the Applicants assert that claim 3 is allowable as depending from allowable independent claim 1.

Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw these rejections under 35 U.S.C. §102(b).

**Rejections under 35 U.S.C. §103(a)**

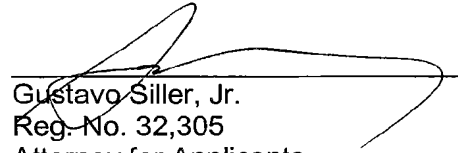
Claims 2, 4, and 15-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim. In light of the remarks above regarding claims 1 and 14, the Applicants assert that claims 1 and 14 are allowable over the art of record. Further, claims 2, 4, and 15-16 are allowable as depending, either directly or indirectly, from allowable claims 1 and 14 respectively.

Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw these rejections under 35 U.S.C. §103(a).

**Conclusion**

The Applicants assert that pending Claims 1-25 are patentable. Applicants respectfully request the Examiner grant allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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